

PATENT COOPERATION TREATY

10/521391

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

To:

Imai, Jeffrey T.
MAGNA INTERNATIONAL INC.
337 Magna Drive
Aurora, Ontario L4G 7K1
CANADADate of mailing
(day/month/year)

28.09.2004

Applicant's or agent's file reference
702631 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/CA 03/01099International filing date (day/month/year)
16.07.2003Priority date (day/month/year)
16.07.2002Applicant
DECOMA INTERNATIONAL INC. ET AL.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

De Jager, R

Tel. +31 70 340-3390





PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 702631 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/01099	International filing date (day/month/year) 16.07.2003	Priority date (day/month/year) 16.07.2002
International Patent Classification (IPC) or both national classification and IPC B60J7/12		
Applicant DECOMA INTERNATIONAL INC. ET AL.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 26.01.2004	Date of completion of this report 28.09.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Verkerk, E Telephone No. +31 70 340-4344 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01099**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-9 received on 07.07.2004 with letter of 07.07.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:
D1: DE 100 42 491 A (VOLKSWAGENWERK AG) 14 March 2002 (2002-03-14)
2. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows, see figures 3-5 and column 2, lines 39-54 (the references in parentheses applying to this document):

A top assembly for selectively covering a passenger compartment of a motor vehicle, said top assembly comprising:

- a waterproof fabric sheet (9,10,11);
- a front retainer (12,15) secured along a front edge of said fabric sheet;
- a rear retainer (12,15) secured along a rear edge of said fabric sheet;
- a pair of side frame members (20,21) pivotally engaging opposite sides of said front and rear retainers (12,15), said side frame members (20,21) movable between a locked condition (figure 3) and a folded condition (figure 5), when said side frame members (20,21) are in said locked condition, said front and rear retainers (12,15) are spaced apart drawing out said fabric sheet.

The subject-matter of claim 1 differs from this known top assembly in that the front and rear retainer each have a tongue configured to complementarily mate with a transverse groove in front and rear edges of a vehicle top opening over said passenger compartment and each have a transverse seal that engages the front and rear edges when the top assembly is installed on the vehicle with the side frame members in locked condition, providing a watertight engagement therebetween.

- 2.1 The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
- 2.2 The problem to be solved by the present invention may be regarded as providing a watertight seal structure between roof and top assembly.
- 2.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
None of the prior art suggests a seal structure in which the transverse seal is

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pressed against the roof edges under the pressure of the bows. The tongue facilitates correct positioning of the seal, thus avoiding improper positioning.

3. Claims 2-9 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
4. The subject-matter of the claims relates to a top assembly, and is industrially applicable in for instance motor vehicles.

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What is claimed is:

1. A top assembly for selectively covering a passenger compartment of a motor vehicle, said top assembly comprising:

a waterproof fabric sheet;

a front retainer secured along a front edge of said fabric sheet;

a rear retainer secured along a rear edge of said fabric sheet;

a pair of side frame members pivotally engaging opposite sides of said front and rear retainers, said side frame members movable between a locked condition and a folded condition, when said side frame members are in said locked condition, said front and rear retainers are spaced apart drawing out said fabric sheet, characterized by said front retainer and said rear retainer each having a tongue configured to complementarily mate with a transverse groove in front and rear edges of a vehicle top opening over said passenger compartment and a transverse seal that engages said front and rear edges when said top assembly is installed on said vehicle and said side frame members are in said locked condition, providing a watertight engagement therebetween.

2. A top assembly as set forth in claim 1, wherein said pair of side frame members each comprises

a pair of struts pivotally connected to each other at one end and to said front and rear retainers respectively at opposite ends thereof, and

a locking mechanism, said locking mechanism selectively locking said struts when said struts are aligned.

3. A top assembly as set forth in claim 2, further comprising at least two compression laces, each engagable with a respective one of said front and rear retainers to sealingly secure said fabric sheet thereto.

4. A top assembly as set forth in claim 3, wherein said front and rear retainers each has a transversely extending slot that receives an edge of said fabric sheet and said compression lace in a friction fit.

5. A top assembly as set forth in claim 4, wherein each of said compression

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laces has a plurality of barbs that enhance frictional engagement between the fabric sheet and retainer.

6. A top assembly as set forth in claim 2, wherein said pivot connection between said struts comprises a link pivotally connecting ends of said struts.

7. A top assembly as set forth in claim 6, wherein said locking mechanism comprises a sleeve slidable along one strut of said pair of struts and moves between a locking position wherein said sleeve extends over said link preventing pivotal movement between said pair of struts and an unlocked position away from said link enabling folding of said struts.

8. A top assembly as set forth claimed in claim 7, wherein said locking mechanism further comprises a screw extending between said sleeve and said strut selectively securing said sleeve in the locking position.

9. A top assembly as set forth in claim 6, wherein said locking mechanism comprises a clip pivotally mounted on one of said struts and moves between a locking position wherein said clip extends over said link preventing pivotal movement between said pair of struts and an unlocked position away from said link enabling folding of said struts.

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